



W.P.Nos.14525, 14532 & 14545 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HONOURABLE MR.A.D.JAGADISH CHANDIRA

and

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.Nos.14525, 14532 & 14545 of 2023

and

W.M.P.Nos.14006, 14013 & 14021 of 2023

A.Somadundaram

S/o.P.Annamalai

.. Petitioner in W.P.No.14525 of 2023

V.Saravanan

S/o.A.Viswananthan

.. Petitioner in W.P.No.14532 of 2023

Revathy Sundarrajan

W/o.Sundarrajan

.. Petitioner in W.P.No.14545 of 2023

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Secretariat,
Chennai-600 009.
2. The Executive Engineer,
Zone – IX, Greater Chennai Corporation,

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1, Lake Area 4th Cross Street, Nungambakkam,
Chennai – 600 034.

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3. The Assistant Engineer,
Division -124, Zone – IX, Greater Chennai Corporation,
1, Lake Area 4th Cross Street,
Nungambakkam,
Chennai – 600 034.

.. Respondents in all W.P.s.,

Prayer in W.P.No.14525 of 2023 :

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus or direction in the nature of Writ forbearing the respondents 2 and 3 from initiating any coercive action pursuant to the impugned notice dated 01.04.2023 issued under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act, 1971, till the disposal of the Special Revision Petition dated 05.04.2023 filed under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971, with respect to the building at Door old No.29, New No.29, Sub Division Part (B), Kallukaran Street, Mylapore, Chennai – 600 004.

Prayer in W.P.No.14532 of 2023 :

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus or direction in the nature of Writ forbearing the respondents 2 and 3 from initiating any coercive action



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pursuant to the impugned notice dated 01.03.2023 issued under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act, 1971, till the disposal of the Special Revision Petition dated 05.04.2023 filed under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971, with respect to the building at Door old No.29, New No.29, Sub Division Part (A), Kallukaran Street, Mylapore, Chennai – 600 004.

Prayer in W.P.No.14545 of 2023 :

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus or direction in the nature of Writ forbearing the respondents 2 and 3 from initiating any coercive action pursuant to the impugned notice dated 01.04.2023 issued under Sections 56 & 57 of the Tamil Nadu Town and Country Planning Act, 1971, till the disposal of the Special Revision Petition dated 05.04.2023 filed under Section 80(A) of the Tamil Nadu Town and Country Planning Act, 1971, with respect to the building at Door old No.29, New No.29, Sub Division Part (C), Kallukaran Street, Mylapore, Chennai – 600 004.

For Petitioners in all WPs	:	Mr.K.Sivasubramanian
For Respondents	:	Mr.C.Kathiravan
		Special Government Pleader for R1
		Mr.D.B.R.Prabhu
		Standing Counsel for R2 & R3



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COMMON ORDER

A.D.JAGADISH CHANDIRA, J.,
and
C.SARAVANAN, J.,

The petitioners are aggrieved by the impugned lock and seal notices dated 01.04.2023 and 01.03.2023 respectively passed by the second respondent herein.

2. It is the case of the petitioners that as against the impugned notices passed by the second respondent under Sections 56 & 57 of 'the Tamil Nadu Town and Country Planning Act, 1971' [hereinafter 'said Act' for the sake of brevity], the petitioners have preferred Special Revision Petitions dated 05.04.2023 under Section 80(A) of the said Act. However, the threat of lock and seal looms against the petitioners.

3. The learned Special Government Pleader for the respondents would submit that the petitioner has been called upon to demolish the unauthorized construction and submit the revised plan, however, without complying with the same, the present writ petition has been filed. He would further submit that these writ petitions are premature as the petitioners' properties have not been put under lock and seal under Section 80(A) of the



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said Act and hence the revisions under Section 80(A) are not maintainable and the writ petitions are liable to be dismissed.

4. Be that as it may, considering the fact that the petitioners have already filed revision petitions before the first respondent which have been duly acknowledged, this Court is inclined to dispose of these writ petitions by directing the petitioner to remove the unauthorized construction done in contravention of the permission granted and submit the revised plan within a period of six weeks from today and the respondents shall pass orders on the revised plan within a period of four weeks there from. Till such time, no coercive steps shall be taken against the petitioners.

5. These Writ Petitions stand disposed of with the aforementioned observations. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

(A.D.J.C.,J.) (C.S.N.,J.)
04.05.2023

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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A.D.JAGADISH CHANDIRA, J.,
and
C.SARAVANAN, J.,

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To

1. The Secretary to Government,
Housing and Urban Development Department,
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Chennai-600 009.
2. The Executive Engineer,
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1, Lake Area 4th Cross Street, Nungambakkam,
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